

July 12, 2011

121492HSB

An Ordinance of the Township of West Pikeland, County of Chester, Commonwealth of Pennsylvania Amending the Zoning Ordinance of 1976, as amended, By (i) Amending Section 200 thereof, and (ii) the addition thereto of Sections 300-A through 305-A Establishing Conservation-Residence Alternative Overlay District applicable to Tax Parcels 34-2-6, 34-2-6.1 and 34-5-30 .

The Board of Supervisors of West Pikeland Township, Chester County does hereby enact and ordain as follows:

Section 1.

The second paragraph of Section 200 of the Zoning Ordinance of 1976, as amended, is hereby further amended to read in its entirety as follows:

In addition, certain areas as shown on the Zoning Map are also designated, or may from time to time be designated, by overlay to the CR (Conservation-Residence District), as eligible for:

PRD - Planned Residential Development

MH - Mobile Home District

CRAO - Conservation Residence Alternative Overlay District

Section 2.

The Zoning Ordinance of 1976, as amended, is hereby further amended by adding thereto a New Article III-A as follows:

Article III-A

CONSERVATION-RESIDENCE ALTERNATIVE OVERLAY DISTRICT

Section 300-A. The Conservation-Residence Alternative Overlay Districts, which may be established from time to time, are overlays on the Conservation-Residence Districts and, as such, all substantive regulations applicable to the Conservation- Residence Districts,

to the extent not inconsistent with the express provisions of this article III-A, apply within the Conservation-Residence Alternative Overlay Districts.

The Conservation-Residence Alternative Overlay District is established to provide for alternative design options in order to support the following purposes:

- (a) To provide an opportunity for flexibility in lot designs and dwelling types not afforded by conventional lot-by-lot development;
- (b) To provide for more varied, more innovative, and efficient development pattern;
- (c) To preserve unique and sensitive natural features, including bodies of water, flood plains, wetlands, wet soil conditions, steep slope areas, ridge lines, rock outcroppings, agricultural and woodland areas of the Township, and other places having a special character or use affecting and affected by their surroundings;
- (d) To protect scenic vistas from encroachment by development;
- (e) To retain and protect open space areas within residential development;
- (f) To protect places having unique historical or architectural interest or value;
- (g) To minimize potential adverse impact resulting from the location of new residential development adjacent to non-residential uses; and
- (h) To provide a means to attain the aims and objectives of the Comprehensive Plan relative to orderly growth and the enhancement of environmental resources.

Section 301-A. Procedure.

Development under and in accordance with the Conservation-Residence Alternative Overlay (hereinafter "CRAO") District shall be permitted only by conditional use approval granted by the Board of Supervisors under the standards enumerated in Section 1207 as applicable to review of special exceptions and only after public hearing pursuant to public notice. Application for conditional use approval shall consist of, contain and/or be accompanied by the following:

- (a) A plan or plans drawn to scale, of the entire premises for which approval is sought together with [1] a key map showing the relationship of the premises to its surroundings and the proposed location of all dwelling units and approximate lot sizes, if lots are to be created, for all lots to be created, as well as proposed interior circulation.
- (b) A natural features inventory including existing tree masses, streams, flood plans, wetlands, ponds, lakes or dams, slopes of over seven (7%) percent.
- (c) A plan or plans delineating, at least schematically, proposed water sources and means and location of sewage disposal.
- (d) A narrative description of significant land masses proposed to be maintained as open space and the means for assurance of their remaining perpetually open and of being maintained.
- (e) If applicable, the information required by the third sentence of Section 305-A (f).

- (f) Architectural schematic drawings prepared by an architect registered in the Commonwealth of Pennsylvania reflecting the plans and exterior designs (including the principal exterior materials) of all structures on lots of less than one acre, including elevations of all front and rear building facades. Such drawings, which shall constitute a portion of the application, shall effectively present an overall architectural theme which is internally consistent and compatible with surrounding properties and which utilizes materials of long term durability and low maintenance.

Section 302-A. Use Regulations.

In the CRAO District, the following uses shall be permitted singly or in combinations:

- (a) Agriculture[2], **limited to pasturage, the growing of crops, and to the keeping of horses.**
- (b) single family detached dwellings;
- (c) structure containing [3] **not more than** three dwelling units, each with separate outdoor access;
- (d) accessory uses as permitted in section 301(f).

Section 303-A. Qualifying Conditions.

A tract for which alternative design option approval is sought shall contain minimum gross acreage of 100 acres and shall be developed under a single or unified direction

Section 304-A. Density and Area Regulation

- (a) The maximum number of dwelling units on any tract utilizing the alternative design option shall be calculated by multiplying the net area of tract (the gross area minus all existing and proposed road rights of way) by 0.5.
- (b) Not less than fifty (50%) percent of the net area of the tract (the gross area minus all existing and proposed rights of way) shall be designated as open [4] areas and restricted from further development and subdivision. Designated open [5] areas shall comply with all standards and criteria for open space as set forth in Section 305-A.
- (c) Not more than fifteen (15%) percent of the gross tract area shall be covered with impervious surfaces.
- (d) No structure containing two or three dwelling units shall be located any closer than 100 feet from any tract boundary having an existing right-of-way and any closer than [6] 50 [7] feet from any other tract boundary. No single family dwelling unit shall be located closer than 50 feet from any tract boundary.
- (e) There shall be a minimum separation between building containing principle or accessory uses of 20 feet.
- (f) Maximum building height shall be 35 feet.
- (g) The following area regulations shall apply to individual residential lots if such are to be created as a result of an application made under these alternative design overlay provisions.
 - 1. Lot area:
 - a. Single-family detached dwellings - 8,000 square feet minimum;

- b. Multiple dwelling unit structures - 4,000 square feet minimum per individual dwelling unit;
2. Lot width at building line: multiple or attached dwellings - 24 feet; single-family dwellings - 60 feet minimum;
3. Front yard depth - multiple unit structures and single-family on lots less than 35,000 square feet - 25 feet minimum; single-family on lots of 35,000 square feet or more - 45 feet minimum; provided, however, that with respect to any single-family front-yard of less than 45 feet, the applicant demonstrates to the satisfaction of the Board of Supervisors that the proposed front yard depth (which shall in no event be less than 25 feet) is necessary to present a unified concept of an architecturally-related group of village oriented residences and will not endanger the public safety;
4. Side yard width - 25 feet minimum aggregate, with neither individual side yard less than ten (10) feet. In the case of multiple dwelling unit structures, minimum side yard requirements apply only to those sides not attached to another dwelling;
5. Rear yard depth - multiple unit structures 30 feet minimum; single family 35 feet minimum.
6. Maximum building coverage - 50% of lot area;
7. Maximum total impervious coverage - 75% of lot area;
8. Maximum building height - 35 feet.

Section 305-A. Design Standards.

- (a) The site design criteria of Section 903 (d) 1 shall apply as applicable.
- (b) The conservation standards and criteria of Section 903 (d) 2 shall apply and as much of the provisions of Section 903 (d) 9 shall apply as the Board of Supervisors deems appropriate in light of existing vegetation, sight distances and topography.
- (c) Where condominium ownership results in multiple dwelling units occupying a single lot, principal residential structures shall be separated by no less than 20 feet at any point.
- (d) Where sewage service and/or water supply is to be provided through means other than individual on lot systems the applicant shall provide a plan for the ownership an operation of such system(s) and terms of such plan shall be acceptable to the Board and consistent with all applicable regulations of the Chester County Health Department, the Pennsylvania Department of Environmental Resources and all other appropriate regulatory authorities. The provisions for maintenance of common open space established in Section 903 (f) 4 shall apply to any sewage or water service facilities to be provided.
- (e) Sewage services and/or water supply facilities may be located entirely or partially within restricted open space areas not part of the lot or lots such facilities are designed to serve. Where sewage service and/or water supply facilities are so located, easements satisfactory to the Board of Supervisors shall

be established to enable maintenance of such facilities by the appropriate parties.

- (f) The standards of Section 903(f) for location management and maintenance of common open space shall apply to open space created under this Article, as applicable. In addition to the means of ownership of open space permitted under Section 904 (f) 1, open space may remain in the ownership of the Applicant or may be transferred to another private party, who shall, however, be a lot owner in the development and a member of the home owners' association subject to compliance with all standards and criteria for open space herein. In the event the means of ownership of open space provided for in the preceding sentence are proposed, the Applicant shall make an affirmative demonstration to the Board of Supervisors, in connection with the application referred to in Section 301-A, that the proposed use of the open space by the applicant and any subsequent transferees of the Applicant is (i) consistent with the provisions and purposes of Section 300-A and 302-A, and (ii) a viable proposal for the use of the property in perpetuity. In the event the open space is proposed to be owned by a private party, all references in Section 903 (f) (4) (b) to "the properties within the planned residential development" shall mean, in lieu thereof, the open space and all other real property owned by such owner and located in the Township.
- (g) All areas designated on the subdivision plan as open space shall be restricted from further development by deed restriction, duly recorded in the Office of

the Recorder of Deeds of Chester County. Such restrictions shall: (A) absolutely prohibit, in perpetuity, (i) the construction of any structures or other improvements within the open space which were not reflected in the approved subdivision plan or any amendment thereto and, in any case, structures shall not exceed in size ^{5 ft} 2% of any open space parcel nor 25 feet in height, and (ii) any subdivision of the open space, and (B) affirmatively require, in covenants running with the land[8]: (i) uses of open space permitted by [9] **this** CRAO District, and (ii) maintenance of such open space in accordance with the provisions of this Article III-A and the other section of this Ordinance incorporated in this Article III-A by reference.

- (h) In addition to the open space uses permitted under Section 903 (f) 3.b, open space in the CRAO District may be used for agricultural purposes in accordance with the provisions of Section [10] **302A**.
- (i) Not less than 10% of the gross area of the open space shall be set aside for active recreational uses for the use and benefit of all the residents of the development; provided, however, that, at the discretion of the Board of Supervisors, up to 50% of the foregoing requirement may be satisfied by the provision of trails to which all residents of the development will have permanent and unrestricted access. All areas of open space set except trails aside for active recreation shall be at least 40,000 square feet and not less than 100 feet wide at any point.

- (j) The following portions of the open space shall be excluded from calculation of compliance with the minimum required open space (50 percent of tract area):
1. Any separate, noncontiguous open space parcels less than one (1) acre in area;
 2. Any portion of the open space less than 75 feet in any dimension, except where providing for trail connection between larger open space parcels or as a portion of a trail network created as fee ownership and in common ownership with the open space;
 3. Any area occupied by impervious surfaces, road rights-of ways, buildings or other structural development except for permitted open space or open area structures.

Section 3 The zoning map is hereby amended to designate Tax Parcels 34-2-6, 34-2-6.1 and 34-5-30 as a CRAO district.

Section 4. This ordinance shall take effect five days after enactment.

Enacted and ordained this 12th day of July, 1993.

Board of Supervisors

Attest

Meta R. Miller, Sec.

By:

Wesley A. Brady
Cynthia N. McCann
Jim M. J.

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